

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ella Mintz	Team: Squad #1	CCRB Case #: 201803511	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 04/19/2018 2:30 AM	Location of Incident: § 87(2)(b) Inside marked police car #§ 87(2)(b) 28th Precinct stationhouse	Precinct: 28	18 Mo. SOL 10/19/2019	EO SOL 10/19/2019	
Date/Time CV Reported Sat, 04/28/2018 1:34 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 04/28/2018 1:34 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Ian Abramowitz	00891	941307	028 PCT
2. POM Lawrence Lechmanski	29419	925592	028 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Rusty Garcia	24538	933796	028 PCT
2. POF Katlyn Kang	16212	960742	028 PCT
3. SGT Robert Czaplinski	03952	945639	028 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Ian Abramowitz	Off. Language: In front of § 87(2)(b) in Manhattan, Police Officer Ian Abramowitz made remarks to § 87(2)(b) based upon race.	§ 87(2)(b)
B.POM Ian Abramowitz	Discourtesy: In front of § 87(2)(b) in Manhattan, Police Officer Ian Abramowitz spoke discourteously to § 87(2)(b)	§ 87(2)(b)
C.POM Ian Abramowitz	Abuse: Inside marked police sedan #§ 87(2)(b) Police Officer Ian Abramowitz threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
D.POM Ian Abramowitz	Discourtesy: Inside marked police sedan #§ 87(2)(b) Police Officer Ian Abramowitz spoke discourteously to § 87(2)(b)	§ 87(2)(b)
E.POM Lawrence Lechmanski	Force: Inside the 28th Precinct Stationhouse, Police Officer Lawrence Lechmanski used physical force against § 87(2)(b)	§ 87(2)(b)
F.POM Ian Abramowitz	Discourtesy: Inside the 28th Precinct Stationhouse, Police Officer Ian Abramowitz spoke discourteously to § 87(2)(b)	§ 87(2)(b)

Case Summary

§ 87(2)(b) filed this complaint on April 28, 2018 on the CCRB's website.

On April 19, 2018 at approximately 2:20AM, § 87(2)(b) got into a dispute with a cab driver, § 87(2)(b) in front of § 87(2)(b) in New York. Police Officers Ian Abramowitz, Rusty Garcia, Katlyn Kang, and Lawrence Lechmanski, all of the 28th Precinct, responded to the scene. PO Abramowitz allegedly told § 87(2)(b) "I hate black people. You're all niggas. White people are better than black people. I can do what I fucking want to do"

(Allegation A: Offensive Language: § 87(2)(g) Allegation B: Discourtesy:

§ 87(2)(g) While § 87(2)(b) was inside marked police car #§ 87(2)(b) PO Abramowitz allegedly pointed his Taser at § 87(2)(b) and stated, "You better shut the fuck up before I Tase you" **(Allegation C: Abuse of Authority: § 87(2)(g) Allegation D: Discourtesy:**

§ 87(2)(g) While at the 28th Precinct stationhouse, PO Lechmanski allegedly pushed § 87(2)(b) into the wall of the cell, which injured her left eye **(Allegation E: Force: § 87(2)(g)** When § 87(2)(b) complained about the pain to her eye, PO Abramowitz allegedly responded, "I don't give a fuck, that's what you get" **(Allegation F: Discourtesy: § 87(2)(g)**

§ 87(2)(b) was arrested as a result of this incident and charged with criminal mischief in the second degree. There is no video available of the scene of arrest or of the interaction inside the police car. Video footage was obtained from the 28th Precinct stationhouse, which partially captures this incident. This video footage is located in Board Review 01 and is located in the report below.

Findings and Recommendations

Allegation A-Offensive Language: In front of § 87(2)(b) in Manhattan, Police Officer Ian Abramowitz made remarks to § 87(2)(b) based upon race.

Allegation B-Discourtesy: In front of § 87(2)(b) in Manhattan, Police Officer Ian Abramowitz spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that while inside the cab, she and § 87(2)(b) argued over directions (Board Review 02). § 87(2)(b) called the police and alleged that § 87(2)(b) had damaged his credit card machine. § 87(2)(b) asserted that she did not damage the machine. § 87(2)(b) tried to get inside the building before the officers could approach her. PO Abramowitz walked toward § 87(2)(b) and told her to "come here." § 87(2)(b) turned around and faced PO Abramowitz and he stated, "I hate black people. You're all niggas. White people are better than black people. I can do what I fucking want to do. I'm the police. I'm the law" and handcuffed § 87(2)(b) § 87(2)(b) did not respond to PO Abramowitz's remarks. The other officers were present for these remarks.

§ 87(2)(b) provided a phone statement to the CCRB (Board Review 05). § 87(2)(b) stated that § 87(2)(b) damaged the credit card machine in the back of his cab, which led him to calling the police. § 87(2)(b) stated he did not hear the conversation that officers had with § 87(2)(b) prior to handcuffing her because he was speaking with other officers conveying his side of the story.

PO Abramowitz, PO Garcia, PO Kang, and PO Lechmanski all denied that PO Abramowitz said, "I hate black people. You're all niggas. White people are better than black people. I can do what I fucking want to do. I'm the police. I'm the law," to § 87(2)(b) and denied that PO Abramowitz used any offensive language or profanity (Board Reviews 06, 07, 08).

PO Abramowitz stated that after § 87(2)(b) was identified as the perpetrator, he asked her to come down from the stairs, which she did in a compliant manner. PO Abramowitz then handcuffed § 87(2)(b). § 87(2)(b) was calm at the time. PO Abramowitz did not have any other conversation with § 87(2)(b) prior to handcuffing her aside from asking her to come down from the stoop.

§ 87(2)(b) consistently alleged that PO Abramowitz behaved in a racist manner toward her. The officers all denied the allegations and the only civilian witness, § 87(2)(b) did not hear the officers' conversation with § 87(2)(b). § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation C-Abuse of Authority: Inside marked police sedan #§ 87(2)(b) Police Officer Ian Abramowitz threatened § 87(2)(b) with the use of force.

Allegation D-Discourtesy: Inside marked police sedan #§ 87(2)(b) Police Officer Ian Abramowitz spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that after she realized she was getting arrested, she became very upset and yelled at the officers. § 87(2)(b) told PO Abramowitz, who was sitting in the backseat with her in the patrol car, that the handcuffs were on too tight. § 87(2)(b) tried to wriggle her wrists out of the handcuffs but was unsuccessful. § 87(2)(b) was hysterical, screaming, and crying. § 87(2)(b) continued telling the officers that she was unfairly arrested. All of the officers told § 87(2)(b) that she needed to calm down but § 87(2)(b) would not. PO Abramowitz held his Taser close to his chest, pointed it at § 87(2)(b)'s stomach and chest area and said, "You better shut the fuck up before I tase you." § 87(2)(b) did not see when PO Abramowitz took the Taser out of his holster. § 87(2)(b) did not want to be tased so she stopped talking and stayed silent for the duration of the car ride. § 87(2)(b) estimated that PO Abramowitz had his Taser pointed at her for five minutes.

PO Abramowitz testified that after § 87(2)(b) was in handcuffs, he told PO Lechmanski and PO Kang to transport § 87(2)(b) in their car because he wanted to get a statement from the cab driver. While speaking with the cab driver, PO Abramowitz noticed that § 87(2)(b) was refusing to get inside the back of the RMP. PO Kang and PO Lechmanski had their hands on § 87(2)(b) shoulder, trying to get her to go in the car but § 87(2)(b) told them she was not going to go in. § 87(2)(b) was kicking her feet as the officers were trying to put her in the car. PO Abramowitz then made the decision to sit in the backseat with § 87(2)(b) because he did not want the officers to get hurt and because he did not want the vehicle to get damaged due to her kicking. When PO Abramowitz walked over to the car, the officers had already placed § 87(2)(b) inside the car. PO Abramowitz opened the rear passenger side door. § 87(2)(b) was positioned so that her back was half against the backseat and half against the back driver's side window of the car. Immediately after opening the door, § 87(2)(b) kicked her legs up at PO Abramowitz, which, while not making contact with him at the moment, prevented him from sitting down without the risk of being hurt. § 87(2)(b) said that the officers needed to check the cameras in the cab. After § 87(2)(b) made two kicking motions, PO Abramowitz pulled his Taser out, pointed it at § 87(2)(b) shoulders and said, "You need to knock it off and stop kicking at me or I'm gonna tase you. I need to get in this car with you." PO Abramowitz did not say, "You better shut the fuck up before I Tase you." PO Abramowitz may have used profanity at this time but he could not say for

sure. At the time when PO Abramowitz pulled the Taser out, he was approximately seven feet away from § 87(2)(b).

PO Abramowitz had no intention of using the Taser against § 87(2)(b) as she was handcuffed and he believed that it is against procedure to Tase someone if they are in handcuffs. PO Abramowitz's intention in pointing the Taser at § 87(2)(b) was to get her to stop kicking so he could sit down in a safe manner. PO Abramowitz estimated that he pointed the Taser at § 87(2)(b) for approximately 10-15 seconds or "just enough to buy me some time to get in the car." § 87(2)(b) responded to the Taser by moving back to a normal position in the car, sitting against the backseat with her legs in front of her. PO Abramowitz then sat in the backseat with § 87(2)(b). During the ride to the stationhouse, § 87(2)(b) moved her hands and elbows as if she was trying to break the handcuffs. § 87(2)(b) also moved her head sideways as if she were trying to headbutt him but § 87(2)(b) head never made contact with PO Abramowitz. § 87(2)(b) told PO Abramowitz that he had no right to threaten to Tase her and that he had no right to arrest her. § 87(2)(b) also kicked at PO Abramowitz, making minor contact with his legs. In response to § 87(2)(b) aggressive behavior in the car, PO Abramowitz took § 87(2)(b) by her cuffs and pulled § 87(2)(b) forward so her chest was against the partition separating the front and back of the car. PO Abramowitz held § 87(2)(b) like this for the duration of the car ride. PO Abramowitz told § 87(2)(b) to calm down more than five times inside the car. The car ride was approximately one to two minutes long. PO Abramowitz never took his Taser out inside the car and never pointed it at § 87(2)(b) while sitting in the car.

PO Garcia, PO Lechmanski, and PO Kang all testified that they never saw PO Abramowitz pull out his Taser and never heard him say, "You better shut the fuck up before I tase you" or otherwise tell § 87(2)(b) that he was going to deploy his Taser.

PO Lechmanski testified that after § 87(2)(b) was handcuffed, she became irate and yelled at officers, although he could not recall what she was yelling about. PO Lechmanski could not recall who placed § 87(2)(b) in the car but stated that once she was in the car, she kicked the partition between the front and backseat of the car. PO Lechmanski did not recall how it was decided but it was decided that PO Abramowitz would ride in the back with § 87(2)(b) due to her behavior. PO Lechmanski did not recall where he was when PO Abramowitz was getting in the car but believed that he may have been in the driver's seat. While in the car, PO Lechmanski heard § 87(2)(b) yelling but did not recall what she was saying. Later that night, PO Abramowitz told PO Lechmanski that he removed his Taser to calm § 87(2)(b) down while he was in the backseat with her.

PO Garcia corroborated PO Abramowitz and PO Lechmanski in that after § 87(2)(b) was handcuffed, she began yelling at the officers, saying that it was not fair that she was being arrested as she did not do anything. PO Garcia stated that PO Abramowitz placed § 87(2)(b) in the back of PO Kang and PO Lechmanski's car and that there did not seem to be any issue in him doing so. Once in the backseat, § 87(2)(b) kicked the back door of the car. While obtaining a statement from the cab driver, PO Garcia saw PO Abramowitz enter the backseat of the car; PO Garcia did not see PO Abramowitz draw or point his Taser at this time.

Patrol Guide Procedure 221-08 states that a Taser should only be used against persons who are actively resisting, exhibiting active aggression, or to prevent individuals from physically injuring

themselves or others (Board Review 09). A Taser should never be used in drive stun mode on a rear-cuffed prisoner. Officers may also issue verbal warnings in conjunction with pointing a Taser at a subject to gain voluntary compliance and prevent the need for force. Patrol Guide Procedure 221-08 also lists factors that officers should consider to determine if the use of a Taser is appropriate: the nature and severity of the crime/circumstances, actions taken by the subject, duration of the action, immediacy of the perceived threat or harm to the subject and members of service, whether the subject is actively resisting custody, whether the subject is attempting to evade arrest by flight, number of subjects in comparison to the number of members of service, size, age, and condition of the subject in comparison to the members of service, and the subject's violent history, if known, presence of hostile crowd or agitators, and the subject under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

§ 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(2)(b), § 87(2)(g)

[REDACTED]

Allegation E-Force: Inside the 28th Precinct Stationhouse, Police Officer Lawrence Lechmanski used physical force against § 87(2)(b)

Allegation F-Discourtesy: Inside the 28th Precinct Stationhouse, Police Officer Ian Abramowitz spoke discourteously to § 87(2)(b)

§ 87(2)(b) testified that she was still screaming, hysterical, and crying when she arrived at the stationhouse. After a few minutes of standing in front of the desk, PO Abramowitz held § 87(2)(b) under her arm and escorted her toward the back of the stationhouse, where the cells were. PO Kang and PO Lechmanski followed behind them. No other officers were present. § 87(2)(b) did not want to go to the cells and refused to voluntarily walk inside the cell but did not touch any

officers. PO Abramowitz then used both hands and pushed § 87(2)(b) on her back so she went inside the cell, causing her face to hit the wall of the cell. § 87(2)(b) then had a “little bump” directly underneath her left eye. § 87(2)(b) immediately told PO Abramowitz, “You hit my eye!” PO Abramowitz responded, “I don’t give a fuck, that’s what you get.” § 87(2)(b) did not do anything to prevent the officers from closing the door after she was pushed into the cell. § 87(2)(b) was then taken to § 87(2)(b) Hospital at her request. § 87(2)(b) told the CCRB that the reason she wanted to be taken to the hospital was because she thought being hospitalized would have circumvented her arrest.

In both her testimony, phone statement, and online complaint, § 87(2)(b) stated that the physical force happened and then she went to the hospital. At the conclusion of her CCRB interview, § 87(2)(b) was shown the video, located below, of her interaction with police officers at the cells. The video shows § 87(2)(b) being uncooperative when officers try to place her in the cell. § 87(2)(b) is securely in the cell when at :45, she begins spitting at PO Kang, who is in the cell with her. PO Kang leaves the cell and § 87(2)(b) attempts to follow her, escaping through the open door of the cell. PO Lechmanski grabs § 87(2)(b) shoulders, turns her around, and pushes her back inside the cell as Sergeant Robert Czaplinski and PO Kang push the door closed. PO Abramowitz is present in the cell area but he does not have any physical interaction with § 87(2)(b).



201803511 Stationhouse Video (70 secs).mp4

After watching the above video, § 87(2)(b) could not locate the moment where PO Abramowitz pushed her into the cell, causing her face to hit the wall. § 87(2)(b) stated that because she could not find it in the video, that she must have been mistaken and that PO Abramowitz actually pushed her into the cells when they returned from the hospital and not when she was originally placed in the cell. The undersigned informed § 87(2)(b) that she stated in both her phone statement and in her testimony that she alleged this push when she initially came to the stationhouse. § 87(2)(b) stated she must have been mistaken because the video disproves this; § 87(2)(b) maintained that the push happened but that she had the time wrong. By the time § 87(2)(b) updated her statement, video of § 87(2)(b) arriving back from the hospital could no longer be obtained due to the stationhouse’s 30 day retention policy.

§ 87(2)(b) arrest photo shows a small circle of redness and swelling on her left face by her eye (Board Review 10). § 87(2)(b) medical records from § 87(2)(b) Hospital show that § 87(2)(b) complained of pain to her face but did not note how this injury occurred (Privileged Documents). § 87(2)(b) medical records also note that § 87(2)(b) had bruising to her left zygomatic bone (cheekbone).

§ 87(2)(b) who was inside an adjacent cell at the time when § 87(2)(b) arrived, stated that § 87(2)(b) was cursing at officers and “acting crazy.” § 87(2)(b) did not see any officer push § 87(2)(b) against a wall. § 87(2)(b) never complained about any injuries. § 87(2)(b) did not recall if the officers were speaking to § 87(2)(b) at the time. § 87(2)(b) did not hear any officer use profanity toward § 87(2)(b) and did not recall any officer stating, “I don’t give a

fuck, that's what you get." § 87(2)(b) noted that § 87(2)(b) was "crazy" and that the officers did not do anything wrong.

All of the officers' testimony was consistent with the video. The officers denied that PO Abramowitz used any force against § 87(2)(b) or said, "I don't give a fuck, that's what you get." PO Abramowitz denied § 87(2)(b) specific allegation of discourtesy but stated he might have used some profanity in the stationhouse while trying to get § 87(2)(b) into the cell. The officers stated that when § 87(2)(b) returned from the hospital, she was compliant and got into the cell without issue.

Patrol Guide Procedure 221-01 states that any use of force must be reasonable under the circumstances and that in determining whether force is reasonable, members of service should consider the subject is attempting to evade arrest by flight.

§ 87(2)(b), § 87(2)(g)

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Civilian and Officer CCRB Histories

- This is the first CCRB complaint in which § 87(2)(b) has been a party.
- Police Officer Ian Abramowitz has been a member of service for 12 years and has been a subject in five CCRB complaints and six allegations, none of which were substantiated.

§ 87(2)(g)

- Police Officer Lawrence Lechmanski has been a member of service for 18 years and has been a subject in three prior CCRB complaints and four allegations, none of which were substantiated. § 87(2)(g)

Mediation, Criminal, and Civil Histories

- This case was not suitable for mediation.
- As of August 15, 2018, the New York City Office of the Comptroller has no record of a notice of claim filed in regards to this incident.

- § 87(2)(b) [Redacted]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date